

¹Mark Hasty, a former St. Jude sales representative, and Biotronik filed this case on October 11, 2006 seeking a declaratory judgment that the restrictive covenants in Hasty's employment contract with St. Jude are invalid and unenforceable. Stephen V. Rode, another former St. Jude sales representative, and Biotronik also filed an action in the Northern District, Stephen V. Rode and Biotronik, Inc., v. St. Jude Medical S.C. Inc., 1:06-cv-2448-WSD, seeking a declaratory judgment that the restrictive covenants in Rode's identical employment contract are also invalid and unenforceable.

economy, all parties agreed to adopt Judge Duffey's ruling on this matter in the Northern District case. Accordingly, for the reasons set forth by Judge Duffey in the attached Order, Plaintiffs' Emergency Motion to Enjoin Defendant From Pursuing Second-Filed Action in Minnesota (Doc. 10) is denied.

SO ORDERED, this the 5th day of December, 2006.

/s/ Hugh Lawson
HUGH LAWSON, Judge

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